



UNITED STATES MARINE CORPS

MARINE CORPS INSTALLATIONS PACIFIC

UNIT 35001

FPO AP 96373-5001

IN REPLY REFER TO:

5720

SJA/FOIA

12 Mar 2019

Dear Ms. Ferguson:

SUBJECT: YOUR FOIA REQUEST DON-USMC-2019-003269

This letter is in response to your Freedom of Information Act (FOIA) request submitted through FOIA Online on January 29, 2019 via FOIAONLINE.GOV for "Records of report summaries pertaining to CMS Case #20172." Your request was assigned to file number DON-USMC-2019-003269 and was perfected on January 30, 2019. Please note that your request is categorized as Other Use Requester under the fee requirements of 43 C.F.R. §§2.38, .39, Appendix A, and therefore you have not been charged for the first two hours of search time or for the first 100 pages of duplicated/scanned pages (or their equivalent volume).

Your request has been partially denied as follows:

5 U.S.C. §552 (b)(3) authorizes the withholding of information specifically exempted from disclosure by statute. 10 U.S.C. §130(b)(a)(1) establishes that the names, ranks, and duty addresses of military and Department of the Navy/Department of Defense civilian personnel assigned to units that are sensitive, routinely deployable, and/or stationed in foreign territories are to be withheld under the FOIA. Therefore, we have excised this information from the releasable documents. The IG Act of 1978, §7(b) establishes confidentiality of employee complaints to the Inspector General and applies to any distinguishing information that would directly or indirectly identify a complaining employee to management, co-workers, or other witnesses.

5 U.S.C. §552 (b)(5) authorizes the withholding of deliberative records in inter-agency and intra-agency memorandum that is regularly relied upon by that agency in the decision-making process regarding employees when the disclosure of such information would inhibit candor in the decision-making process.

Under 5 U.S.C. §552 (b)(6), and SECNAVINST 5720.42F, enclosure (4), paragraph (f), certain records or information related to third parties which are found in "personnel and medical files and similar files" may be exempt from disclosure if release of the records or information would constitute a clearly unwarranted invasion of personal privacy. This includes, but is not limited to, the names of DON/DoD military and civilian personnel assigned to units stationed in foreign territories, addresses, birthdates, social security numbers, and any other personally identifiable information regarding third parties. Accordingly, we have redacted third party information from the releasable document.

Under 5 U.S.C. §552 (b)(7)(c) and SECNAVINST 5720.42F, enclosure (4) certain records or information compiled for law enforcement purposes may be exempt from disclosure if release of the records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. This includes, but is not limited to, the names of DON/DoD military and civilian personnel, addresses, birthdates, social security numbers, and any other personally identifiable information regarding third parties referenced in law enforcement files. Accordingly, we have redacted third party information from the releasable document because the release of this information would not shed light on the investigating agency's performance of its statutory duties.

You may consider this to be an adverse determination that may be appealed. You may do so via FOIAonline. To do this, log into your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to

the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal".

You also have the right to seek assistance and/or dispute resolution services from the Marine Corps FOIA Public Liaison, Ms. Sally Hughes, at hqmcfoia@usmc.mil or (703) 614-4008, and/or the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.a.julka@navy.mil or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at ogis@nara.gov or 1-877-684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

Any questions concerning this matter should be directed to me at william.g.williamson@usmc.mil, at DSN: 645-9429.

I am the official responsible for the partial denial of your request.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. G. Williamson Jr.', followed by a horizontal line.

W. G. WILLIAMSON JR.
Major, U.S. Marine Corps
Deputy Staff Judge Advocate